

## FAX TRANSMISSION



DATE: November 23, 2004  
CLIENT NO.: M4065.0743/P743  
MESSAGE TO: Examiner William D. Coleman, Group Art Unit: 2823  
COMPANY: U.S. Patent and Trademark Office  
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PAGES (Including Cover Sheet): 3 HARD COPY TO FOLLOW: ☒ YES ☐ NO

As requested by Examiner Coleman in a telephonic conference conducted on November 23, 2004, please file the Confirmation of Telephonic Conferences with Examiner Coleman on November 23, 2004 with Accompanying Comments, in U.S. Patent Application No.: 09/853,233. The undersigned certifies that the attached Confirmation is being transmitted to the U.S. Patent and Trademark Office by facsimile transmission on November 23, 2004.

  
Thomas J. D'Amico, Reg. No. 28,371

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Docket No.: M4065.0743/P743  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Steven T. Harshfield, et al.

Examiner: William D. Coleman

Application No.: 09/853,233

Art Unit: 2823

Filed: May 11, 2001

Allowed: August 25, 2004

For: PCRAM MEMORY CELL AND METHOD  
OF MAKING SAME

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**CONFIRMATION OF TELEPHONIC CONFERENCES WITH EXAMINER  
COLEMAN ON NOVEMBER 23, 2004 WITH ACCOMPANYING COMMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants' undersigned representative acknowledges with appreciation the telephonic conferences conducted with Examiner William Coleman, on November 23, 2004. In both the November 23, 2004 telephonic conferences and the "Response to Rule 312 Communication" issued by the Examiner on November 23, 2004, the Examiner stated that, "Claims 21, 23, 24, 25, 26, 28, 29, 30, 31, 35, 36, 37, 38, 42, 43, 44, 84, 85, 86, 89, 90, 91, 92, 93, 94, 95, 96, 97, and 98 [are] allowed." The reasons for allowance stated that the claims are allowed "in relation to the declaration filed on December 23, 2003." The Examiner indicated in the telephonic conferences that the electronic filing system designated the Declarations filed on October 14, 2003 and December 23, 2003, respectively, as Rule 131 or Rule 132 Declarations. This information is incorrect.

Application No.: 09/853,233

Docket No.: M4065.0743/P743

Applicants submitted a Declaration of Terry Gilton Calling Attention to Information Pursuant to 37 C.F.R. § 1.56 on October 14, 2003 and December 23, 2003. The Declarations disclosed potential prior art for the Examiner's review. The Declarations are not Rule 131 or Rule 132 Declarations.

In the November 23, 2004 telephonic conferences, the Examiner requested that Applicants file a statement indicating that the Declarations filed on October 14, 2003 and December 23, 2003, respectively, were not Rule 131 or Rule 132 Declarations. Accordingly, this paper serves as that statement.

If not already done, Applicants respectfully request that the Declarations filed on October 14, 2003 and December 23, 2003 be considered for purposes of disclosing potential prior art. As the Examiner indicated, with submission of this paper, he will immediately withdraw the application from issue and re-open prosecution. Accordingly, Applicants understand that the issue fee payment currently due on November 26, 2004, is no longer required. Immediate return confirmation of this by facsimile is respectfully requested.

Dated: November 23, 2004

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

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